UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/NGO/54
16 March 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 15

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 March 1998]

1. On 14 August, 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in resolution 1997/2, expressed "deep concern about the alleged gross and systematic violations" in **Bahrain**. The exercise of freedoms of assembly and political association remain effectively outlawed. A number of Shi'a community leaders active in the campaign to revive the elected National Assembly are now in their third year of detention without trial, frequently in solitary confinement. In July, and again in December, leaders of the People's Petition Committee were summoned for interrogation and their welfare reportedly threatened after they requested permission to present a petition, signed by 21,751 citizens, to the country's ruler, Shaikh Isa bin Salman, urging him to restore the National Assembly and release political prisoners.

2. Human Rights Watch continues to receive reports of persons being arbitrarily detained and physically abused by security forces, and of prosecutions on security-related charges before the State Security Court, where procedures do not meet basic fair trail standards and whose verdicts are not subject to appeal. A blind cleric, Shaikh Ali al-Nachas, repeatedly detained for long periods without charge reportedly because his sermons were deemed "political", died in custody in June 1997, giving rise to allegations of mistreatment and medical neglect.

3. The past year has seen additional arrests and harassment of individuals for writing or possessing written material which the Government considers hostile. The Government has increased pressure on Bahraini defence lawyers to refrain from providing information about arrests and security court trials to the press or to outside human rights monitors, and threatened some lawyers with disbarment if they continued to do so. Close Government monitoring of telephone, fax and Internet links, and harsh penalties for dissemination "false news and unfounded statements", make most Bahrainis afraid to discuss the situation with international monitors.

4. The Government also took further steps to restrict information about the situation in Bahrain from reaching the outside world. A new regulation restricting Bahrainis employed by local State-dominated media from working for international agencies effectively stifled the BBC Arabic Service as a source of uncensored news for Bahrainis and outsiders. In June 1997 the Government expelled the correspondent of the German Press Agency, the last remaining Western news agency with a bureau in Bahrain, following her eyewitness accounts of three days of intense clashes between demonstrators and security forces and her dispatches regarding the deaths of two young men following reported beatings by the security forces.

5. The Government routinely attributes the unrest to foreign-backed "terrorists", a term it applies to the opposition without distinction. The Government also refuses to allow the return from abroad of citizens who express unwelcome political views. No local human rights groups are permitted to operate in Bahrain, and requests from international human rights organizations to conduct official visits have been denied.

6. Human Rights Watch urges the Commission to express public concern about Bahrain's repressive practices. We also urge the Working Group on

Arbitrary Detention and the Special Rapporteur on the right to freedom of opinion and expression to investigate conditions in Bahrain.

7. **Slavery in the Sudan** experienced a resurgence during the civil war in the late 1980s as a form of counter-insurgency as well as a form of war booty. As a result, uncounted thousands of children and women live in slavery or slavery-like conditions in the west and north of the Sudan, separated from their families.

8. During the mid-1980s, a prior Government armed militias of the Arabized Baggara tribe of western Sudan to continue their raids against their southern African neighbours, the Dinka people, assumed to be supporters of the rebel Sudan People's Liberation Army. The raiders - themselves poor - have been permitted to attack civilian Dinka villages, loot cattle and grain, and capture women and children. They trade or sell the captives or keep them in their homes as free labour, beating them if they refuse to work and keeping them in inferior conditions, giving them new Arabic names and cutting them off entirely from their families, culture, religion and ethnic identity. Some captives are subjected to sexual abuse; others are subjected to female genital mutilation, which is not a Dinka custom.

9. The current Government incorporated the tribal militias into the army in 1989, but has taken no serious steps to put a stop to the practice. This impunity has even encouraged regular army soldiers and officers to capture women and children and take them home - on army transport - to serve as unpaid, forced household labour.

10. The families of those captured, rarely aided by the Government, make great efforts to recover their loved ones. They are aided by an underground network of concerned southerners, a loose network which keeps a low profile because of Government sensitivity to its image abroad. Middlemen also have stepped into this gap, and quietly search for and retrieve children from their "owners", often by paying for them. They then transport the children back to locations in the border regions, where they are exchanged for cows or cash.

11. Human Rights Watch urges the Commission to call on the Government of the Sudan to strictly enforce its laws against kidnapping and to establish mechanisms, with the help of UNICEF and the International Committee of the Red Cross, to assist families in reuniting with their captured relatives.

12. Human Rights Watch strongly supports the Sub-Commission's request to appoint one of its members to undertake an urgently needed study of the **privatization of prisons**. In Australia, the United Kingdom and the United States, among other countries, State authorities are turning with increasing frequency to private corporations to operate correctional facilities and private corrections companies have announced expansion plans in Africa, Asia and Latin America. The study recommended by the Sub-Commission could help to clarify the numerous human rights questions relating to privatized prisons.

13. Even fundamental questions have remained unresolved, such as whether the operation and regulation of prisons is an integral component of the administration of justice that cannot be delegated to private enterprises.

Assuming, for the sake of argument, that States do not violate their obligations by authorizing private correctional facilities, what standards and safeguards are required to ensure that the human rights of persons detained or imprisoned in such facilities are respected?

14. The experience with private prisons in the United States suggests that the record of private operators is uneven with regard to the treatment of prisoners and prison conditions, including adherence to the United Nations Standard Minimum rules for the Treatment of Prisoners. Our research also suggests that government authorities - who retain fundamental responsibility for the treatment of persons under their jurisdiction - have in many instances failed to exercise appropriate monitoring and oversight over private facilities. There have been troubling cases of rampant and flagrant mistreatment - e.g. beatings, excessive use of physical force and chemical agents, sexual misconduct and unsanitary conditions - which government agencies have either failed to detect or have failed to respond to in a timely fashion. Public scrutiny of private prisons to ensure compliance with international norms is also impeded because the corporations erect a shield of confidentiality around their business operations.

15. Delegating the responsibilities inherent in the operation of a prison to private enterprises provides them with extraordinary power over the lives of prisoners. Safeguards must be identified to ensure that such power is exercised in accordance with international norms. We are troubled, for example, by the due process implications of private employees - accountable only to private employers and motivated only by financial interests - making discretionary decisions that affect the fundamental liberty interests of detained or imprisoned persons, including disciplinary decisions which can affect the length of time a person remains incarcerated.

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